

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UBS FINANCIAL SERVICES, INC.,  
Plaintiff,

-v-

PHYLLIS FRANK, et al.,  
Defendants.

20-CV-9729 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Phyllis Frank has moved for an order striking Emily Rosen’s cross-motion for summary judgment. The Court finds that there is good cause to permit Rosen to file her motion for summary judgment on the RMA account. Parties have a right to file for summary judgment, and the brief delay will be addressed by giving Frank additional time and pages to respond in opposition. The additional 25 pages are justified by the fact that Rosen’s motion addresses a non-overlapping issue (in large part).

However, the parties have ignored this Court’s clear directive at Docket Number 24 that “ALL further filings shall be made in the main case, 19-cv-6259.”

Accordingly, Frank’s motion to strike at Docket Number 36 is granted on the separate ground that Rosen’s brief was filed in the wrong case.

Frank shall file her opposition to Rosen’s motion for summary judgment on or before July 23, 2021, and shall have 25 pages for that opposition. Rosen shall file her reply within 14 days of Frank’s opposition.

The parties shall re-file all their submissions in the correct case, and again, ALL further filings are to be made in 19-cv-6259.

The Clerk of Court is directed to close the motion at Docket Number 36.



SO ORDERED.

Dated: July 8, 2021  
New York, New York



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J. PAUL OETKEN  
United States District Judge